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10-18-03

Docket Item #4  
SPECIAL USE PERMIT #2003-0080

Planning Commission Meeting  
October 7, 2003

**ISSUE:** Consideration of a request for a special use permit for a change of ownership and an extension of umbrella special use permit #2829.

**APPLICANT:** Exxon Mobil Corporation  
by William C. Thomas

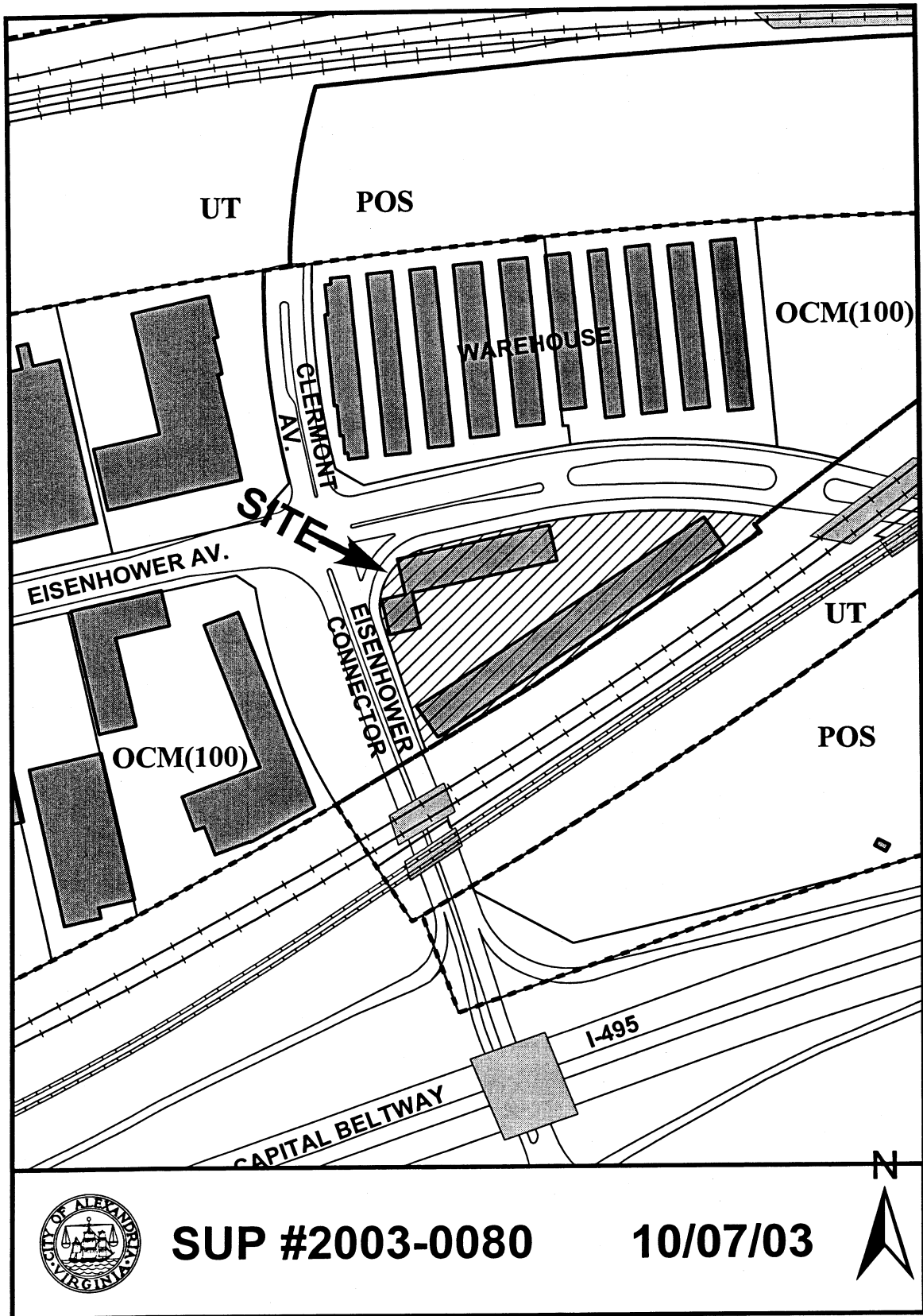
**LOCATION:** 4536-4598 Eisenhower Avenue

**ZONE:** OCM/Office Commercial Medium

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**PLANNING COMMISSION ACTION, OCTOBER 7, 2003:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or any business entity in which the applicant has a controlling interest. (P&Z) (SUP#2829)
2. The following uses are permitted on the subject property:  
(P&Z) (SUP#2829)
  - Light automobile repair
  - Carpenter shop and repair services
  - Wholesale business
  - Bakery
  - Warehouse and storage
  - Building materials storage and sales
  - Machine shop
  - Pet supplies, grooming and training, with  
no overnight accommodations
  - Printing and publishing facilities
  - Sheet metal shop
  - Convenience store
  - General automobile repair
  - Catering operation
  - Private school
  - Research and testing
  - Social service use
3. No single tenant may occupy more than 25 percent of the total floor area of the subject building space, or 12,750 square feet, for one of the above uses. (P&Z) (SUP#2829)
4. This approval is valid as long as the existing buildings remain unchanged. A "change" of the existing buildings sufficient to invalidate this approval is one that requires a site plan under section 11-403 of the zoning ordinance. (P&Z) (SUP#2829)

5. **CONDITION AMENDED BY STAFF:** Any motor vehicle repair operation shall comply with the following conditions: (P&Z) (SUP#2829)
- A. All vehicles stored on the property shall be parked in a neat and orderly fashion at all times.
  - B. All repair work shall be done inside the building and none shall be done outside.
  - C. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.
  - D. No vehicles shall be displayed, parked, or stored on a public right-of-way.
  - E. The area around the garage shall be kept free of debris and maintained in an orderly and clean condition.
  - F. No vehicles shall be loaded or unloaded on the public right-of-way.
  - G. No debris or vehicle parts shall be discarded on the public right-of-way.
  - H. All loudspeakers shall be prohibited from the exterior of the buildings and no amplified mechanical sound shall be audible at the property line. No loudspeakers and intercoms shall be permitted on the exterior of the building. (T&ES)
  - I. ~~No amplified or mechanical sound shall be audible at the property line.~~
  - I. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
  - J. The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-519-3400 ext. 166. (T&ES)

- K. No material shall be disposed of by venting into the atmosphere. (T&ES)
- L. No paint or coatings shall be applied outside of a paint spray booth. (T&ES)
6. **CONDITION AMENDED BY STAFF:** This special use permit shall be reviewed ~~ten~~ fifteen years from the date of approval by City Council or in ~~September, 2004~~ October, 2018. (P&Z) (SUP#2829)
7. **CONDITION ADDED BY STAFF:** The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
8. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
9. **CONDITION ADDED BY STAFF:** The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
10. **CONDITION ADDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (T&ES)
11. **CONDITION ADDED BY STAFF:** The applicant shall continue to maintain the landscaping, parking lot, and buildings in good condition and to the satisfaction of the Director of Planning and Zoning. (P&Z)

12. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

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Staff Note: No use shall be permitted to occupy the subject site unless it can demonstrate compliance with the parking requirements of Article VIII of the zoning ordinance.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Exxon Mobil, requests special use permit approval for a change of ownership and extension of the umbrella special use permit located at 4536-4598 Eisenhower Avenue.
2. The subject property is one lot of record with an estimated 762 feet of frontage along Eisenhower Avenue, 225 feet of frontage along Clermont Avenue and a lot area of approximately 127,986 square feet. The site is occupied by two one-story concrete masonry buildings with a total of 51,000 square feet. The buildings are subdivided into 30 units and occupied by a variety of light industrial, small office, automobile repair and warehouse uses. The property abuts the Metro line and R F & P Railroad line directly to the south. Ingress and egress is available from Clermont Avenue or Eisenhower Avenue. The site contains 68 parking spaces.

The surrounding area is a mix of warehouse, office, and light industrial uses.

3. On September 17, 1994, City Council granted Special Use Permit #2829 to allow a variety of future noncomplying and special uses as a group. Condition #6 of the SUP stated that the permit was to be reviewed ten years from the date of approval. The applicant requests to change the ownership of the property, and to amend Condition #6 to extend the review requirement for an additional 15 years from the date of this approval. There are no other changes requested.
4. In June 1992, the subject property was rezoned from I-2/Industrial to OCM-100/Office Commercial Medium (100). A significant amount of space in the center was then and has since been occupied by preexisting noncomplying uses. The uses approved in SUP#2829 include existing noncomplying uses, those uses permitted under the previous I/Industrial zoning, and special uses allowable under the OCM zone. The intent was to allow those uses to occupy the building, without separate special use permit approval required each time a use changed.
5. On April 1, 2003, the Planning Commission deferred a request for a development special use permit, with a site plan, for construction of a gas station, convenience store with restaurant and car wash at the subject location. Staff recommended denial of the request because of the proposal's inconsistency with the intent of the Master Plan, loss of office zoned land, and the likelihood that the use would attract other strip commercial development inconsistent with the redevelopment envisioned for the area.
6. Zoning/Master Plan: The subject property is zoned OCM-100/Office Commercial Medium, and is located in the Landmark/Van Dorn Small Area Plan.

STAFF ANALYSIS:

Staff does not object to the proposed change of ownership and extension of umbrella SUP at 4536-4598 Eisenhower Avenue. The Master Plan specifically envisions interim uses, such as warehouse/office, commercial and light industrial uses, until there is a market for the type and amount of higher end commercial uses envisioned for the area. Although there was a recent application to redevelop a portion of the site into a gas and service station, the proposal was inconsistent with the redevelopment envisioned by the Master Plan. In addition, staff is not aware of any other specific development plans for the immediate area in the near future. Given the lack of development activity and the fact that there are no residential uses in the immediate area, the uses identified in the SUP continue to be appropriate for the area. Staff is not aware of any complaints about the existing uses at the property. Considering these factors, staff finds that the 15 year extension of the umbrella use permit on the property is appropriate.

Because of the prominent location of the development, staff recommends that the landscaping, parking lot, and buildings continue to be maintained in good condition. Staff also recommends a one year review to ensure that the applicant complies with all of the conditions of the permit.

Staff did not include the recommendation from the Police Department for a minimum of 2.0 foot candles for lighting. Although the existing on-site lighting is less than 2.0, a number of street lights have been installed since the development was built along the perimeter of the property, adding to the overall lighting in the area. Therefore, staff finds the existing lighting level at this location to be adequate.

Staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, Urban Planner.



CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-2 All loudspeakers shall be prohibited from the exterior of the buildings and no amplified sound shall be audible at the property line.
- R-3 All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground.
- R-4 The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-519-3400 ext. 166.
- R-5 That no material be disposed of by venting into the atmosphere.
- R-6 No paint or coatings shall be applied outside of a paint spray booth.
- R-7 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.
- F-1 The applicant is not applying for an A.B.C. permit. The Police Department concurs with this.

# APPLICATION for SPECIAL USE PERMIT # 2003-0080

[must use black ink or type]

PROPERTY LOCATION: 4536-4598 EISENHOWER AVENUE

TAX MAP REFERENCE: 69.00-01-08 ZONE: OCM (100)

APPLICANT Name: EXXON MOBIL CORPORATION

Address: 3225 GALLOWES ROAD, FAIRFAX, VIRGINIA 22037

PROPERTY OWNER Name: EXXON MOBIL CORPORATION; EXXON MOBIL OIL CORPORATION

Address: (as above)

PROPOSED USE: 1) CHANGE OF OWNERSHIP 2) EXTENSION OF "UMBRELLA"

SUP #2829

**THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.

By: WILLIAM C. THOMAS, JR.  
Print Name of Applicant or Agent

W C Thomas  
Signature

11320 RANDOM HILLS ROAD, #325  
Mailing/Street Address

(703) 385-8282 (703) 385-8761  
Telephone # Fax #

FAIRFAX, VIRGINIA 22030  
City and State Zip Code

July 10, 2003  
Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) ☒ the Owner ☐ Contract Purchaser  
☐ Lessee or ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

N/A

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☒ Yes. Provide proof of current City business license  
☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

SUBMITTED WITH SUP #2829  
ATTACHED - PLAT - EXISTING CONDITIONS

**NARRATIVE DESCRIPTION**

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

SEE ATTACHED LETTER

**USE CHARACTERISTICS**

4. The proposed special use permit request is for: *(check one)*

- ☐ a new use requiring a special use permit,
- ☐ a development special use permit,
- ☐ an expansion or change to an existing use without a special use permit,
- ☐ expansion or change to an existing use with a special use permit,

☒ other. Please describe: OWNERSHIP AND EXTENSION SUP #2829

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

VARIES BY USE/USER - SEE SUP #2829

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

VARIES - SEE SUP #2829

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

VARIES - UP TO 24 HOURS/DAY 7 DAYS PER WEEK

SUP #2829

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

N/A - ALL WORK INTERIOR LOCATED

B. How will the noise from patrons be controlled?

N/A

8. Describe any potential odors emanating from the proposed use and plans to control them:

VENTING OF ALL TO CODE

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

VARIES - SUP #2829

B. How much trash and garbage will be generated by the use?

VARIES - SUP #2829

C. How often will trash be collected?

SUP #2829

D. How will you prevent littering on the property, streets and nearby properties?

N/A - MANAGEMENT WILL POLICE PROPERTY

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☒ Yes.    ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

PETROLEUM PRODUCTS - AMOUNT VARIES BY USE, BUT ALL TO BE  
DISPOSED, STORED, UTILIZED IN COMPLIANCE WITH APPLICABLE  
LOCAL, STATE AND FEDERAL REGULATIONS.

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes.    ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

VARIES - COMPLIANCE WITH SUP #2829

12. What methods are proposed to ensure the safety of residents, employees and patrons?

COMPLIANCE WITH SUP #2829 AND APPLICABLE REGULATIONS

### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes.    ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.



**PARKING AND ACCESS REQUIREMENTS**

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

PER SUP #2829 68 SPACES

- B. How many parking spaces of each type are provided for the proposed use:

PER

SUP #2829 Standard spaces

                     Compact spaces

                     Handicapped accessible spaces.

68 Other.

- C. Where is required parking located? ☒ on-site    ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

\_\_\_\_\_

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? PER SUP #2829

- B. How many loading spaces are available for the use? \_\_\_\_\_

- C. Where are off-street loading facilities located? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

D. During what hours of the day do you expect loading/unloading operations to occur?

VARIES PER SUP #2829

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

VARIES PER SUP #2829

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

ADEQUATE

#### SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

51,000 sq. ft. (existing) <sup>+/-</sup> + \_\_\_\_\_ sq. ft. (addition if any) = 51,000 sq. ft. (total) <sup>+/-</sup>

19. The proposed use is located in: (check one)

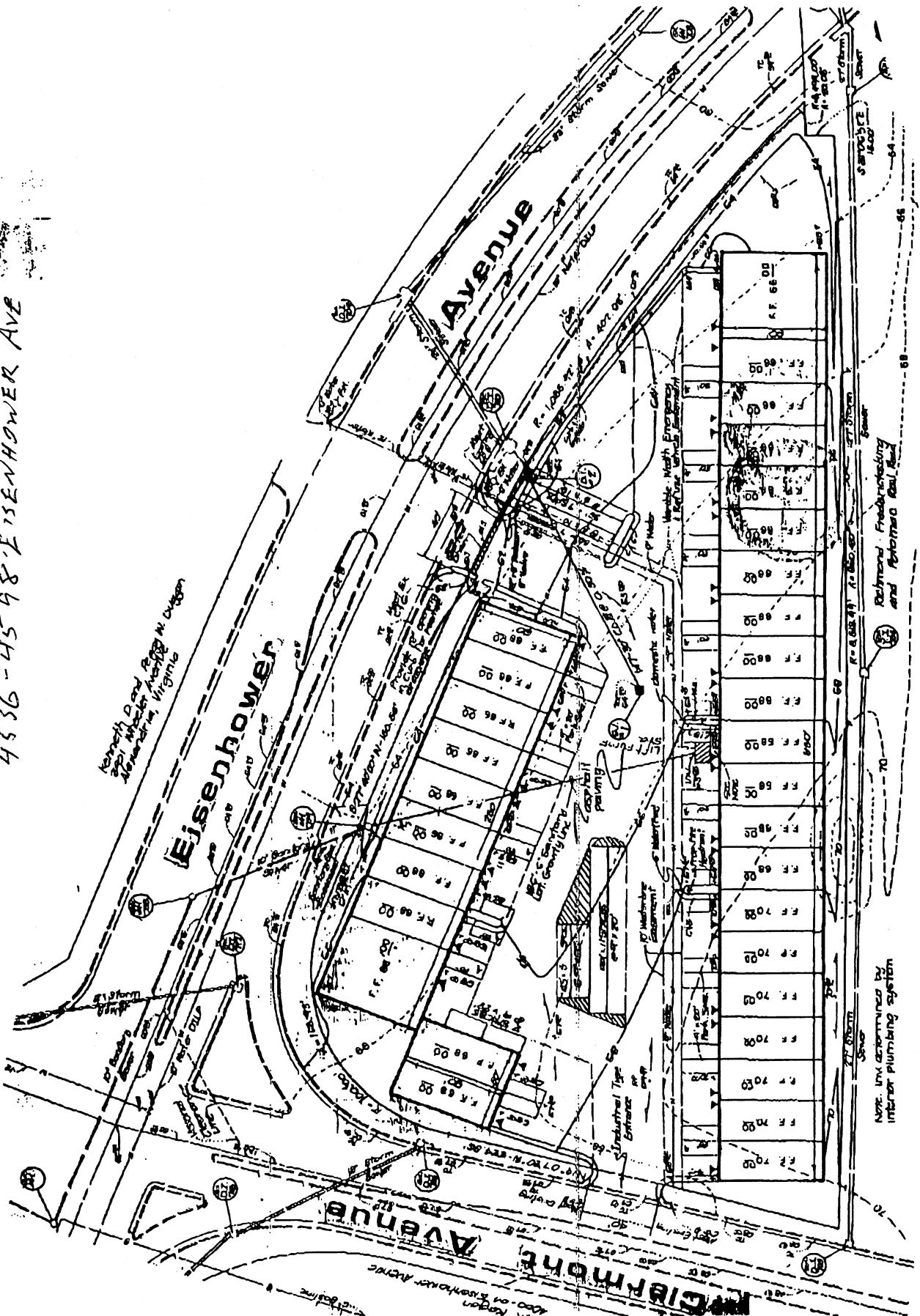
☐ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: \_\_\_\_\_

☐ an office building. Please provide name of the building: \_\_\_\_\_

☒ other, please describe: WAREHOUSE/INDUSTRIAL

SUP # 2829 amendment/extension  
4536 - 4598 EISENHOWER AVE



FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P. C.  
ATTORNEYS AND COUNSELLORS AT LAW  
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FAIRFAX, VIRGINIA 22030

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SUP 2003-0000

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(703) 548-8100

HERBERT S. BILLOWITZ (1910-1987)  
VICTOR G. TRAPASSO (1935-1989)

\*SENIOR COUNSEL  
+ ALSO ADMITTED IN D.C.

++Retired

10 July 2003

Eileen Fogarty, Director  
Department of Planning and Zoning  
City of Alexandria  
301 King Street, Room 2100  
Alexandria, Virginia 22314

Re: SUP #2829  
4536-4598 Eisenhower Avenue

Dear Ms. Fogarty:

On behalf of Exxon Mobil Corporation, owner of the subject property, we submit this Special Use Permit application for 1) a change of ownership, and 2) an extension for 15 years of the "umbrella" SUP #2829.

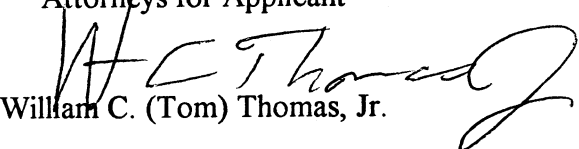
No changes in the existing SUP are requested, i.e., all previous submissions and the approval conditions under the prior application remain the same and acceptable to the applicant.

Enclosed is a Special Use Permit application, a plat of the property, a copy of the prior Staff report, and a filing fee payable to the City of Alexandria of \$500.00.

Thank you for your kind consideration of and attention to this matter.

Respectfully submitted,

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.  
Attorneys for Applicant

  
William C. (Tom) Thomas, Jr.

Enclosures  
cc: Greg Ruff